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REMARKS

Claims 1, 6, 23, and 26 have been amended by this paper. As discussed below, Claims 31-38 have been withdrawn. Claims 2-5, 7-22, 24-25, and 26-30 remain unchanged by this Amendment. Claims 39-43 have been added. Hence, by this paper, Claims 1-30 and 39-43 remain pending and are presented for further examination.

I. Election of Group I Claims Affirmed

On page 2 of the Office Action, the Examiner required restriction of prosecution to one of two groups of claims under 35 U.S.C. § 121. Group I includes Claims 1-30. Group II includes Claims 31-38. In a telephone conversation on September 22, 2003, Applicant made a provisional election to prosecute the claims of Group I, without traverse. On page 3 of the Office Action, the Examiner required Applicant to affirm this election. Further, the Examiner withdrew Claims 31-38 from consideration, as being drawn to a non-elected invention. Applicant hereby affirms the election of the claims of Group I, identified by the Examiner as Claims 1-30, without traverse.

II. Rejection of Claims 1, 5-12, 14-23, and 25-30 under 35 U.S.C. § 102(b)

On page 3 of the Office Action, the Examiner rejected Claims 1, 5-12, 14-23, and 25-30 under 35 U.S.C. 102(b) as being anticipated by Shibano (U.S. Patent No. 4,210,539) [hereinafter *Shibano*]. In making the rejection, the Examiner indicated that *Shibano* discloses “an arrangement constituting filter element 22, filter basket 20/21/24, supply line to flushing medium 43 (column 3, lines 56-60), manifold 32/36 (column 3, lines 60-62, the conduit intersections where branching occurs is deemed a ‘chamber’), and plurality of tubes 38, 39, each having a plurality of backflushing perforations 41.” *Office Action*, at 3 (citing *Shibano*). The Applicant submits that the Examiner failed to establish a case of anticipation because *Shibano* fails to teach all of the limitations of Claims 1, 5-12, 14-23, and 25-30, as discussed in subsection C below.

A. Brief Description of *Shibano*

Shibano discloses a water screen suitable for placement on the submerged inlet of a pump intake. *Shibano*, col. 1, lines 40-46. The water screen is affixed to a drum shaped structure. *Id.* at col. 3, lines 1-5. As shown in Fig. 1 and Fig. 2., the drum structure comprises an annular seal 32 and upstanding flanges (or rims) 36 and 37. *Id.* at col. 3, lines 23-26. A bleed line 43 supplies a backwash source. *Id.* at col. 3, lines 56-60. The bleed line “is branched to supply one upright

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pipe of each pair of backwash pipes.” *Id.* at col. 3, lines 60-62. However, this branch in line 43 is not depicted in the figures. *See, Id.*, Figs. 1-9.

B. The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). “To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). “A single reference must describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art.” *Verve, LLC v. Crane Cams, Inc.*, 311 F.3d 1116 (Fed. Cir. 2002).

C. *Shiban* fails to disclose a manifold as recited in Claims 1, 12, and 23

The Applicant submits that neither the portions of *Shiban* cited by the Examiner in rejecting Claim 1, nor any other portions of *Shiban* disclose a filter apparatus comprising a filter basket “wherein said filter basket comprises: a manifold, comprising: a flushing medium supply opening in a first surface thereof for receiving said supply line; a plurality of apertures in a second surface of said manifold; and an internal chamber formed between said first surface and said second surface fluidly connecting said flushing medium supply opening with said plurality of apertures” as recited, in part, by Claim 1, as amended.

Shiban discloses a bleed line that is described as branching to supply each of pipes 38 and 39. *Shiban*, col. 3, lines 54-62. This branch is not shown as being part of the filter apparatus. In fact, this branch is not shown anywhere in the figures. Moreover, the Examiner took the position that the annular seal 32 and flange 36 comprise a manifold. *Office Action* at 3. Applicant submits that the seal and the flange disclosed by *Shiban* have no direct relationship to the feed line. In fact, as seen in Fig. 2, they do not even appear to touch the feed line. *See Shiban*, Fig. 2. Therefore, *Shiban* fails to disclose “a manifold, comprising: a flushing medium supply opening in a first surface thereof for receiving said supply line,” (emphasis added) as recited, in part, by

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Claim 1. Further, Applicant submits that in disclosing a branched feed line, which is not shown, and apparently is not a part of the filter assembly, *Shiban* also fails disclose a manifold comprising “an internal chamber formed between said first surface and said second surface fluidly connecting said flushing medium supply opening with said plurality of apertures” as recited in Claim 1, as amended. Therefore, with the complete absence of any teaching of, at least, a manifold, the Applicant submits that *Shiban* neither anticipates nor would have made obvious the invention recited in Claim 1, as amended.

As to Claim 12, Applicant submits that neither the portions of *Shiban* cited by the Examiner in rejecting Claim 12, nor any other portions of *Shiban* disclose a filter apparatus comprising filter basket, “wherein said filter basket comprises: a manifold comprising an internal chamber fluidly connecting a flushing medium supply opening with a plurality of apertures” as recited in Claim 12. As discussed above, *Shiban* discloses a bleed line that is described as branching to supply each of pipes 38 and 39. *Shiban*, col. 3, lines 54-62. This branch is not shown as being part of the filter apparatus. In fact, this branch is not shown anywhere in the figures. Thus, Applicant submits that *Shiban* fails to disclose a filter apparatus comprising filter basket, “wherein said filter basket comprises: a manifold comprising an internal chamber fluidly connecting a flushing medium supply opening with a plurality of apertures” (emphasis added) as recited in Claim 12. Moreover, the Examiner took the position that the annular seal 32 and flange 36 comprise a manifold. *Office Action* at 3. As discussed above, Applicant submits that the seal and the flange disclosed by *Shiban* have no direct relationship to the feed line. In fact, as seen in Fig. 2, they do not even appear to touch the feed line. *See Shiban*, Fig. 2. Therefore, *Shiban* fails to disclose “a manifold comprising an internal chamber fluidly connecting a flushing medium supply opening with a plurality of apertures” (emphasis added) as recited by Claim 12. In view of the foregoing, the Applicant submits that *Shiban* neither anticipates nor would it have made obvious the invention recited in Claim 12.

Since Claim 23 recites at least some of the patentable features discussed in connection with Claims 1 and 12 above, the Applicant submits that *Shiban* also neither anticipates nor would have made obvious the invention recited in Claim 23 for at least the same reasons.

Thus, Applicant respectfully submits that Claims 1, as amended, 12, and 23, as amended are allowable, and the Applicant requests that the rejection of Claims 1, 12, and 23 be withdrawn.

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Since each of Claims 5-12, 14-23, and 25-30 depends either directly or indirectly from one of Claims 1, 12, or 23, the Applicant submits that those claims are also allowable.

III. Rejection of Claims 8-9, 14, 20, and 28 under 35 U.S.C. § 103(a)

On page 4 of the Office Action, the Examiner rejected Claims 8, 14, and 28 as being unpatentable over *Shiban* in view of Miller (U.S. Patent No. 4,977,959). Further, on page 5 of the Office Action, the Examiner rejected Claims 9 and 20 as being unpatentable over *Shiban* in view of Macia (U.S. Patent No. 5,490,924). For the reasons set forth below, Applicant respectfully disagrees with the Examiner's findings and determination that Claims 8-9, 14, 20, and 28 are rendered obvious by *Shiban* in view of either *Miller* or *Macia*.

Each of Claims 8-9, 14, 20, and 28 depend from one of independent Claims 1, 12, and 23. Thus, Applicant respectfully submits that each of Claims 8-9, 14, 20 and 28 recite patentable subject matter for, at least, the reasons discussed above with respect to Claims 1, 12, and 23. Applicant therefore submits that Claims 8-9, 14, 20, and 28 are each allowable.

IV. Rejection of Claims 6 and 26 as not reciting structural limitations

On page 4 of the Office Action, the Examiner rejected Claims 6 and 26 on the basis that "the type of fluid used for backflushing is not a structural limitation." Applicant submits that Claims 6 and 26, as amended, overcome the basis for the rejection and, accordingly, are allowable.

V. Addition of New Claims 39-43

On page 5 of the Office Action, the Examiner objected to Claims 2-4, 13, and 24 as being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten in independent form. Accordingly, Applicant has added Claim 39 as an independent claim which comprises the limitations of dependent Claim 2 combined with the limitations of independent Claim 1. Further, Applicant has added Claims 40-41 which correspond to Claims 3 and 4 and which depend from Claim 39. Thus, Applicant submits that Claims 39-41 are allowable.

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VI. Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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